



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
MAY 06 2014

REPLY TO THE ATTENTION OF:

SC-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Keith Page
General Manager
Crop Production Services
3489 Pierson Place, Suite, C
Flushing, Michigan 48433

RE: Complaint and Expedited Settlement Agreement CAA-05-2014-0025
ESA Docket No. RMP-14-ESA-001
Docket No.

Dear Mr. Page:

Enclosed please find a copy of the fully executed Expedited RMP Settlement Agreement (ESA). The ESA is binding on EPA and Respondent. EPA will take no further action against Respondent for the violations cited in the ESA. The ESA requires no further action on your part.

Please feel free to contact Monika Chrzaszcz at (312) 886-0181, or chrzaszcz.monika@epa.gov, if you have any questions regarding the enclosed document or if you have any other question about the program. Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Hans", is written over a horizontal line.

Michael E. Hans, Chief
Chemical Emergency
Preparedness & Prevention Section

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604-3590



DOCKET NO: RMP-14-ESA-001

This ESA is issued to: Crop Production Services

at: 1100 N. Forest Hill Road, St. Johns, Michigan 48879

CAA-05-2014-0025

for violations of Section 112(r)(7) of the Clean Air Act.

EXPEDITED SETTLEMENT AGREEMENT

The United States Environmental Protection Agency, Region 5, and Crop Production Services ("Respondent"), have agreed to the settlement of this action before the filing of a Complaint. EPA and Respondent (jointly "the Parties") have agreed that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest. This action is thus simultaneously commenced and concluded by this Expedited Settlement Agreement ("ESA") and Final Order. See 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)-(3).

This is an administrative action for the assessment of civil penalties instituted pursuant to EPA's authority under Sections 113(a)(3) and (d) of the Clean Air Act ("Act"), 42 U.S.C. § 7413(a)(3) and (d). The Director of the Superfund Division, Region 5, EPA ("Complainant") has been delegated the authority to issue an administrative complaint seeking the assessment of civil penalties for violations of Section 112(r) of the Act, 42 U.S.C. § 7412(r). The Regional Administrator for Region 5 of EPA is authorized by Sections 113(a)(3) and (d)(1) of the Act, 42 U.S.C. §§ 7413(a)(3), and (d)(1), to issue a Final Order ratifying this ESA.

ALLEGED VIOLATIONS

On July 22, 2013, an authorized EPA representative conducted a compliance inspection of Crop Production Services located at 1100 N. Forest Hill Road, St. Johns, Michigan 48879 ("Facility") to determine its compliance with the Risk Management Plan ("RMP") regulations promulgated pursuant to Section 112(r) of the Act, and set forth at 40 C.F.R. Part 68. Based on the July 22, 2013 inspection and documents submitted by Respondent, EPA has determined that Respondent violated the following regulations:

1. 40 C.F.R. § 68.50(d) Respondent failed to conduct a hazard review whenever a major change in the process occurs.
2. 40 C.F.R. § 68.54(a) Respondent failed to ensure that each employee presently operating a process and employees newly assigned to a covered process have been trained or tested competent in the operating procedures that pertain to their duties.

3. 40 C.F.R. § 68.54(d) Respondent failed to ensure that operators are trained in any updated or new procedures prior to startup of a process after a major change.
4. 40 C.F.R. § 68.56(a) Respondent failed to implement procedures to maintain the on-going mechanical integrity of rain caps.
5. 40 C.F.R. § 68.56(d) Respondent failed to perform inspections and tests of emergency safety valves at a frequency that is consistent with applicable manufacturers' recommendations, industry standards, or codes and good engineering practices and prior operating experience.
6. 40 C.F.R. § 68.58(a) Respondent failed to certify that they have evaluated compliance with the provisions of this subpart at least every three years to verify that the procedures and practice developed under the rule are adequate and are being followed.
7. 40 C.F.R. § 68.190(b)(5) Respondent failed to revise and update their Risk Management Plan submitted under 68.150 within six months of a change that requires a revised PHA or hazard review.

SETTLEMENT

In consideration of Respondent's full compliance history, its good faith efforts to comply, other factors as justice may require, and upon consideration of the entire record, the parties enter into this ESA in order to resolve any civil penalties for these alleged violations for the total penalty amount of \$7,680.

This settlement is subject to the following terms and conditions:

By signing below, Respondent consents to, and is bound by, the terms and conditions of this ESA, including the assessment of the civil penalty set forth above. Respondent admits the jurisdictional allegations in the ESA, and waives any objections that it may have regarding jurisdiction. Respondent waives its right to contest the specific factual allegations contained herein, and neither admits nor denies these specific factual allegations. Respondent acknowledges that pursuant to 40 C.F.R. § 22.15(c), and Section 113(d)(2)(A) of the Act, 42 U.S.C § 7413(d)(2)(A), it has the right to request a hearing on any material fact, or on the appropriateness of the penalty, but Respondent waives its rights to such a hearing. Respondent also waives its right to appeal this ESA and the accompanying Final Order.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations set forth in this ESA, and has sent a cashier's check or certified check (payable to the "Treasurer, United States of America") in the amount of \$7,680 in payment of the full penalty amount to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The **Docket Number of this ESA must be included on the check.** (The Docket Number is RMP-14-ESA-001.)

This signed original ESA and **a copy of the check must be sent by certified mail to:**

Monika Chrzaszcz
Chemical Emergency
Preparedness and Prevention Section (SC-5J)
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Upon Respondent's submission of the signed original ESA and the issuance of the Final Order, Respondent's liability is resolved only for any federal civil penalties due as a result of the facts and violations alleged in this ESA. This ESA, the Final Order, and Respondent's full payment of the civil penalty set forth herein, do not affect the right of EPA to pursue appropriate injunctive, other equitable relief, or criminal sanctions for any violations of law. EPA also does not waive any enforcement authority for any other violation of the Act or any other statute. The issuance of the Final Order does not waive, extinguish, or otherwise affect Respondent's duty to comply with the Act, the regulations promulgated there under, or any other applicable law or requirement.

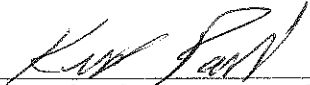
If the signed original ESA **with an attached copy of the check** is not returned to the **EPA Region 5 office** at the above address in correct form by Respondent within 45 days of the date of Respondent's receipt of this ESA (90 days if an extension is granted), the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified in this ESA.

This ESA is binding on the Parties signing below.

Each Party to this action shall bear its own costs and fees, if any.


This ESA is effective upon filing with the Regional Hearing Clerk.

FOR RESPONDENT:

Signature: 
Name (print): KEITH PAIGE
Title (print): GENERAL MANAGER
Respondent

Date: 4-2-14

FOR COMPLAINANT:


Richard C. Karl, Director
Superfund Division

Date: 4-28-14

FINAL ORDER

The foregoing Expedited Settlement Agreement is hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ORDERED to comply with all of the terms of the foregoing Expedited Settlement Agreement, which upon its filing with the Regional Hearing Clerk shall become immediately effective. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.



Date: 5/2/2014

Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

REGION: 1 2 3 4 5 6 7 8 9 10 HQ CIN TRAVEL JURYDUTY CARDFUNDS TUITION IAG PARKING
 HEATHER BLAKE KIM LORI DICK DANA MICHELLE PATTI CRAIG KEN JESS

COLLECTION INFORMATION

DEPOSIT NUMBER: 2721214201559

SUSPENSE ☐

LIABILITY ☒

COLLECTION TYPE: CNR CFR CDV

COLLECTION NUMBER: CAA-05-2014-001

BILL TYPE: NN

BILL NUMBER: _____

COLLECTION DONE BY: KEN

ENTERED DATE: 4/21/14

IPACTO: HQ LV RTP

Accounting

CNR/CFR	BFY	FUND	ORG	PRC	FOC	PROJECT	AMOUNT	LINE
001	14	1099	80				7680.00	

CAA-05-2014-0025

U S ENVIRONMENTAL PROTECTION

Lockbox: GLX-979077 Ledger Date 04/18/2014

usbank.
 St. Louis GA Lockbox
 (314) 425-1818

CROP PRODUCTION SERVICES
 3005 Rocky Mountain Ave
 Loveland CO 80538

BMO HARRIS BANK N.A.
 ROSELLE ILLINOIS
 70-719/1558

100264976

Date: Apr/09/2014 Pay Amount: \$7,680.00***

Pay: ***SEVEN THOUSAND SIX HUNDRED AND EIGHTY AND XX / 100 DOLLAR***

To The Order Of: US ENVIRONMENTAL PROTECTION AGENCY - FINES AND PENALTIES
 CINCINNATI FINANCE CENTER
 PO BOX 979077
 ST LOUIS, MO 63197-9000

Authorized Signature: *Rich Keall*

⑈ 100264976⑈ ⑆071915580⑆ 0404310056⑈ 1⑈

Batch	Item	TID	Batch Total	Amount
307	3	Y-4582150	\$62,038.00	\$7,680.00